

CALIFORNIA APPRENTICESHIP COUNCIL
NOTICE OF PROPOSED ACTION TO AMEND
CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,
SECTIONS 201, 202, 203, 207, 207.1

Prepared by:

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TITLE 8. CALIFORNIA APPRENTICESHIP COUNCIL NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the California Apprenticeship Council (“Council”), pursuant to rulemaking authority derived from Labor Code section 3071, in order to implement, interpret and make specific section 3073.2 of the Labor Code, proposes to amend Part IV, Sections 201, 202, 203, 207 and 207.1 in Chapter 2 of Title 8 of the California Code of Regulations (“CCR”) concerning the procedures for investigating, holding hearings and determining disputes concerning apprentices.

PUBLIC HEARING: The Council will hold a public hearing on January 5, 2011, from 10 a.m. to 12 p.m., at the Milton Marks Conference Center, Auditorium, Hiram Johnson State Building, 455 Golden Gate Avenue, San Francisco, California, 94102, and on January 6, 2011, from 10 a.m. to 12 p.m., at the Auditorium, 320 West 4th Street, Los Angeles, California, 90013. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest (below). The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing

WRITTEN COMMENT PERIOD: Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action by mail or personal delivery to Glen Forman, Acting Chief, Division of Apprenticeship Standards, 455 Golden Gate Avenue, 10th Floor, San Francisco, California 94102. Written comments may also be sent to Jane Reza (1) via electronic email to 212comments@dir.ca.gov or (2) via fax to (415) 703-5227. To be considered, written comments must be received by the Council no later than 5:00 p.m., January 5, 2011.

CONTACT PERSON: Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations, and the location of public records, may be directed to Jane Reza at (415) 355-5468. The backup contact person is Glen Forman at (415) 703-4939. Inquiries regarding the substance of the proposed regulations may be directed to Glen Forman at (415) 703-4939.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Apprenticeship Council ("Council") is charged with authority under Labor Code section 3071 to adopt regulations to interpret and make specific the provisions of Labor Code regarding apprentice agreements, also referred to as apprenticeship standards. Specifically, the Council is proposing changes to the administrative hearing process in particular as it relates to complaints by apprentices concerning disciplinary action taken by an apprentice committee. Under Labor Code section 3081, the Director of the Department of Industrial Relations, who is the Administrator of Apprenticeship, is charged with investigating claimed violations of the terms of existing apprentice agreements. Current regulations do not distinguish between complaints by an apprentice that a program is not operating in accordance with its standards, and

complaints by apprentices that they have been improperly disciplined. The current systems therefore makes the process of reviewing apprenticeship program actions more cumbersome and time consuming than is beneficial to either the program or the apprentice. No comparable federal regulations or statute exists. Please see the Initial Statement of Reasons for further information.

DISCLOSURES REGARDING THE PROPOSED ACTION: The Council has made the following initial determinations:

- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Impact on the creation or the elimination of jobs or business, and the expansion of businesses within the State of California, or effect on small businesses: None.
- Significant effect on housing costs: None.
- Cost impacts on representative private person or business: None. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

FISCAL IMPACTS:

- Costs or savings to state agencies or costs/savings in federal funding to the State: None.
- Local Mandate: None.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs/savings imposed upon local agencies: None.

CONSIDERATION OF ALTERNATIVES: In accordance with Government Code section 11346.5(a)(13), the Council must determine that no reasonable alternative it considered or that otherwise has been identified and brought to the attention of the Council would be more effective in carrying out the purpose for which the action is proposed or would be as effective as the proposed action and less burdensome to affected private persons.

The Council invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS: An initial statement of reasons and the text (“express terms”) of the proposed regulations have been prepared and are available from the contact person named in this notice. The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at the above address. Rulemaking records may be accessed through the agency’s Internet website at www.dir.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT: After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Any such modifications will also be posted on the Council's website.

Please send requests for copies of any modified regulations to the attention of the contact person(s) listed above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS: Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

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